

rules to help pass major legislation. As Senator MERKLEY has noted time and time again, bills we have passed after the majority has modified the rules include the Natural Gas Policy Act in 1977; funding for the Selective Service System in 1980; deficit reduction legislation in 1985; a moratorium on listing new species under the Endangered Species Act in 1995; and a change made by the majority in 1996 to the reconciliation process, which paved the way for the 2001 and 2003 Bush tax cuts and the 2017 Trump tax cuts. When circumstances change, Senators have changed the rules time and time again.

All of this history clearly shows that the Senate rules are not chiseled in stone. That is probably a good thing because the people out there need us to do our jobs. And maybe that is more important than some archaic rule that someone is now abusing. They are not an outside force, these rules, over which we have no control. They are our rules—the Senators' rules, yes, but also the people's rules—written and changed over the years by Senators representing the people of this country, just like the ones sitting in this Chamber today.

As we move forward, I want to make clear that I agree with my colleagues who have said that we must keep the history of this institution in mind. By the way, I just gave you the history of this institution—160 carve-outs; time and time again when the rules have changed. That is the true history of this institution.

History plainly allows for just this type of action that our democracy now demands. If we acknowledge the stakes when it comes to protecting the freedom to vote, the cornerstone of our democracy, and we acknowledge the history of the rules of this body, I am left with a simple conclusion: We must update, change, and improve our rules to restore the Senate and meet the moment of our times.

Our Nation was founded on the ideals of democracy, and we have seen for ourselves in this building how we can't afford to take that for granted. I certainly saw that this weekend in Ukraine. We cannot afford to take any democracy for granted.

The world is watching us—watching to see how America is taking on the challenges of the 21st century, including the threats to our democracy. Around the globe, there are those who see weakness as an opportunity. They see weakness in our democracy as an opportunity for them. Those who are hoping that gridlock and paralysis are the defining features of America—they are out there, and you can imagine what world leaders I am thinking of right now.

To put it simply, if we are going to effectively compete with the rest of the world, we need a Senate that can do more than just respond to crises. We are pretty good at that—tornadoes, hurricanes, floods, tsunamis, financial crises, pandemics. OK. We respond to

that. But what about the long-term challenges that slowly but surely are eroding this democracy with voter suppression? There is so much at stake here. We must get this done.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that following the remarks of Senator PORTMAN, the Senate recess until 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

### FILIBUSTER

Mr. PORTMAN. Mr. President, I was asked recently what I think is the No. 1 issue facing America. It is a tough question, and I have had a lot of issues race through my mind: inflation, the debt, workforce issues, the crisis at our southern border, the explosion of COVID cases, the deadly opioid epidemic, a warming planet, Russia and China flexing their muscles and creating more volatility around the world. We have got plenty of challenges, don't we? But do you know what I landed on, what I think is our biggest problem? It is the increasing division—even polarization—of our politics and our country. It is what makes it so hard to address all of those other issues that I named that are so important to the families whom we represent.

Last week, on the Senate floor, my Democratic colleague from Arizona, Senator SINEMA, called it a disease of division. Well put. When we are together, this country can achieve great things and has over the years. It can provide a beacon of hope to a troubled world, but as Lincoln warned, "a house divided against itself cannot stand." In this body, we should be figuring out how to come together to help America stand—and stand strong—to address our many challenges.

That is why I am so discouraged about what I see playing out on the U.S. Senate floor again this week. I have seen an attempt by Democratic leadership to fan the flames of distrust. I see an attempt to further divide an already splintered country, both by exaggerated arguments being made to advance controversial legislation opposed by every single Republican regarding the tough issue of voting and then to try to achieve this purely partisan objective by changing a foundation of the Senate to dismantle the one Senate rule—the legislative filibuster—that works to bring us together rather than pull us apart.

Equally troubling to me is that this seems to be a purely political exercise now in that the conclusion seems predetermined. Apparently, the Senate is being dragged through this divisive and ugly partisan debate, knowing that it will not achieve a legislative result but only a deepening and hardening of the political lines in each camp.

Here in the Senate, most Republicans and most Democrats say they want to bring the country together. I think they are sincere about that. This message was an explicit part of President Biden's campaign for President. Yet there is nothing about the harsh, partisan rhetoric from the President's speech on this topic in Atlanta last week or from much of the floor debate this week and last week that does anything but push our country further apart.

First is the substance of the legislative fight. Democrats have been highly critical of those Republicans who refuse to accept the results of the 2020 election, pointing out accurately that dozens of lawsuits failed to show adequate fraud to change the result. They have attacked some Republicans because they have said that the election was rigged and for questioning the State-by-State certification process that has led to deeper rifts in our Nation and a significant number of Republican voters questioning the legitimacy of the election. I get that.

So why now are Democratic leaders and President Biden using the exact same language, literally saying the elections are rigged—literally saying that? Why are they perpetrating their own election narrative that does not fit the facts but serves to push both sides deeper into their own camps and, in particular, now leads Democrats to think that elections are illegitimate?

Majority Leader SCHUMER claims "Republicans are pushing voter suppression and election nullification laws."

President Biden has compared State efforts to tighten up election administration to Jim Crow laws. He has compared Republicans to notorious racists in our history. These attacks are overwrought, exaggerated, and deeply divisive.

Here is what the nonpartisan and respected group called No Labels has said about the Democratic attacks:

If you dig into these [state legislative] proposals you find most entail tightening up procedures pertaining to registration, mail-in absentee voting and Voter ID [laws] that were loosened in 2020 in the name of making it safer for people to vote amid the COVID pandemic. Many leading Democrats and liberal commentators have taken to describing these measures as Jim Crow 2.0, which is to say they are somehow worse than the original Jim Crow era, which entailed poll taxes and literacy tests, violent intimidation of Black voters by the KKK, and even outright prohibition on Black voters participating in party primaries in southern States. To suggest that any voting measures being debated today in America are somehow worse than this is simply irresponsible demagoguery.

That comes from No Labels, which is a nonpartisan group, Democrats and Republicans, trying to find that middle ground.

Now, to be fair, this group has been critical of Republican claims of widespread election fraud that cannot be backed up. So what are the actual facts?

First, the Constitution guarantees all citizens 18 years of age or older the

right to vote in elections regardless of race or gender—period.

The Federal Voting Rights Act reaffirms that right and makes it enforceable in Federal court. In 2006, Congress voted in a bipartisan way to reauthorize this important law for 25 years, through 2031. I voted for and strongly support the Voting Rights Act and have long supported other common-sense efforts to increase voter confidence in our elections.

In fact, there is a bipartisan effort underway right now to deal with a real problem: to ensure that after the fact, certified elections are respected. This will require making overdue reforms to the Electoral Count Act and some other reasonable updates to Federal election procedures. I am happy to be working with a small group of Senate Democrats and Senate Republicans on those efforts. That is how the system should work. We are not going to agree on everything, but we can sit down and talk and find common ground to address problems.

What Republicans and most Americans don't support is an unprecedented Federal takeover of our election system, which is what the overly broad party-line bills proposed this week by the Democrats will do.

Let me be clear. Despite what Democratic leaders are saying to jam these bills through Congress, our democracy is not, as they say, in crisis because it is too hard to vote. We just had a national election in 2020 with the highest voter turnout in 120 years. Ninety-four percent of voters said it was easy for them to vote. This is according to the Pew Research Center—94 percent. That is good.

Some have said drastic changes are needed at the Federal level because the States are now enacting voter restrictions. Some point to the liberal Brennan Center, which reports that 19 States have enacted laws which it characterizes as restricting the right to vote. As noted above—again, by the nonpartisan No Labels group—when you really look at these laws, the truth is that they largely make modest changes in election law administration, such as the date that voters may apply for mail-in ballots or ensuring voters are who they say they are through voter ID and other signature requirements—something, by the way, the vast majority of Americans support.

Some of the laws return to State practices closer to the status quo before the pandemic. As an example, some laws reduced the number of ballot drop boxes in cases where there were no ballot drop boxes before COVID. And many of the States the Democrats criticize for improving their elections process are enacting laws similar to those that have long been in place in States represented by Democrats, so-called blue States.

For example, under its new law, Georgia has a limit of 17 days of in-person early voting, 17 days. New Jersey

and New York have 9 days of in-person voting. Connecticut doesn't have any early voting. Georgia has also added one extra Saturday of early voting. Georgia's new requirement that voters provide their driver's license or State ID numbers when applying for mail-in ballots, which Democrats have criticized, is the same as laws in Maryland and Pennsylvania. Rhode Island enacted a voter ID law a decade ago. And with regard to President Biden's home State, The Atlantic has noted that "few states have more limited voting options than Delaware."

I, frankly, have not heard Democratic leadership calling out any of these Democrat-majority States for pushing what they deem to be voter suppression.

I don't know anyone who doesn't believe it should be easy to vote and hard to cheat. Every State has to find that balance, but they have to find it while not violating the Voting Rights Act.

I don't agree with every policy every State has in place. I find some too restrictive. As an example, I support no-fault absentee voting, as we do in Ohio. It works well. You don't have to have a reason; you can vote absentee. I would like to see every mailbox, in a sense, be a ballot box, in essence. I find that some of the laws in some of the States lack adequate security, on the other hand. For example, I think some form of ID is smart, as do the vast majority of Americans.

But in our Federal system, within the guardrails of the Voting Rights Act and consistent with the Constitution, that decision is left up to State legislators, closer to the people and accountable to the voters. That is just a fundamental philosophical difference we have here on the Senate floor. We see it play out on lots of issues and now on this one.

I am very proud of the job that my State of Ohio and our bipartisan election officials in every county do in our elections. In the last election, we had a record 5.97 million Ohioans cast a vote—more voters than ever. It represented 74 percent of eligible voters in our State, the second highest percentage in the history of Ohio. Despite the challenges of running the highest turnout election in our State's history, during an unprecedented pandemic, it was widely regarded as the most secure and most successful Ohio election ever.

Now is not the time to take the responsibility away from Ohio State and local officials. Article I, section 4 of the Constitution clearly assigns that authority over elections to the States. Alexander Hamilton acknowledged in Federalist 59 that only in extraordinary circumstances should the Federal Government become involved in election law, explaining that allowing the Federal Government to run elections would have been a "premeditated engine for the destruction of State governments."

We are not in extraordinary circumstances right now. In general, it

has become easier and easier to vote in America, and that is a good thing. And it has become easier to vote in America than many other democracies around the world, and that is good too—easy to vote, hard to cheat.

Despite all the fiery speeches on the floor stating the contrary over the past week, according to a recent survey from Morning Consult, only 33 percent of American adults think it is too hard for eligible voters to vote. A larger share—44 percent—actually think current rules aren't strict enough. Having heard the debate, this is what voters think.

Not only are Democrats attempting a Federal takeover of our election system, but because they have chosen to change the constitutionally based election system in a purely partisan way, they don't have the 60 votes necessary to get something passed here in the U.S. Senate. That is why instead of reaching out to find a bipartisan way forward, they are also proposing to fundamentally change the longstanding rules of the Senate. Specifically, they are proposing to do away with what is called the legislative filibuster in order to advance their Federal election takeover bills by a simple majority instead of the normal 60 votes.

This 60-vote margin, the legislative filibuster, is the one tool left to encourage bipartisanship not just here in the Senate but in our system, in the House and at the White House. Yes, it provides important minority rights in the Senate that protect the country from legislation that is too far out of the mainstream, and it helps pass good legislation, like Medicare or Social Security with big votes, big margins, that mean those programs can be sustained, and they can be relied upon. That is good for our country.

Most importantly to me, the legislative filibuster is the one thing that encourages us to work in a bipartisan way. The successful passage of the bipartisan infrastructure law last year is a good example. I was in the middle of those negotiations. We knew we had to achieve 60 votes in a 50-50 Senate. What did that mean? That meant that we had to find common ground. We had to make concessions on both sides in order to get to 60 votes. As a result, we got well over 60—into the seventies—and a good piece of legislation was able to pass the House and be signed into law and is now in place, again, as sustainable, reliable legislation.

Did I agree with everything in it? No, nor did anybody else. But to get to those 60 votes, we all had to make certain concessions.

Although it is a Senate rule, the legislative filibuster also requires Members of the House of Representatives to come up with more bipartisan solutions because they know their legislation has to pass the Senate if they want it to become law. Just as I have been a committed, bipartisan legislator here in the Senate for the past 11 years, the same was true in the House

for 12 years, where I regularly used the fact that we needed 60 votes in the Senate to force colleagues on both sides of the aisle to come together and find a way to pass legislation in a bipartisan manner. When I was in the executive branch in two Cabinet-level jobs in the Bush 43 administration and as Director of the Office of Legislative Affairs for Bush 41, that 60-vote necessity in the Senate calmed the passions within the administration and forced us to find common ground to work in a more bipartisan manner, resulting in more effective results that last the test of time. I know the benefits to our country of requiring more than a bare Senate majority that shifts back and forth because I have lived it in the House, in the Senate, and in the White House.

And it is not just me or other Republicans now saying that the legislative filibuster is good for our Federal system. Less than 5 years ago, 32 Senate Democrats, including then-Senator and now-Vice President Kamala Harris, joined with me and other Republicans in signing an open letter insisting the legislative filibuster should not change. This was at a time when there was a Democrat in the White House, but Republicans controlled the Senate. It appears that those 32 Democrats were happy to defend the filibuster as good for the country when they were in the minority but not now when the country is even further divided, and they have a majority. All but a couple of those Members have shifted their views.

I would encourage my Democratic colleagues to reread their own letter, which makes such a compelling case that this is about the country, not about one political party or another.

Back in 2005, Senator SCHUMER called abolishing the filibuster “a temper tantrum by those on the hard, hard right” who “want . . . their way every single time.” That was in 2005. Now he is majority leader, and he has changed his tune.

This seems shortsighted to me, since the history of the Senate is to change the majority regularly. We don’t know who is going to be in the majority in the next Senate.

Could the Senate rules be improved to allow more debate and more progress on legislation? Absolutely. There is bipartisan interest in this, and we should turn it to something constructive. After this political exercise we are going through right now, we should turn to the issue of reforming the rules around here. Let’s have each leader choose a few interested Members. Let’s hammer out a bipartisan proposal that allows more amendments and makes it easier to get legislation passed. It is not that hard. But eliminating the one tool that forces us to come together makes it harder to address those many challenges we face. It makes it harder to pass legislation, broadly supported and sustainable, to actually help the people we represent. That is what we were elected to do.

That is our job—not inflame the passions of our most committed and hard-line supporters but achieve results. And as I said at the outset, between inflation, and COVID, our southern border, and more, we have got plenty to do.

I urge my Democratic colleagues to step back from the brink, to think twice before trying to destroy what has made the U.S. Senate such a unique and valuable part of the world’s longest lasting and most successful democracy. And I urge my colleagues on both sides of the aisle to support sensible rules changes and recommit to use the 60-vote margin responsibly to generate consensus and find that elusive common ground that will best serve those we represent and that will keep our great Republic the envy of the world.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:15 p.m.

Thereupon, the Senate, at 5:30 p.m., recessed until 6:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PETERS).

#### MORNING BUSINESS—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

#### H.R. 5746

Mr. BLUMENTHAL. Mr. President, I have just come back from a trip to Ukraine with six of my colleagues, a bipartisan group organized very ably by Senator PORTMAN and Senator SHAHEEN, to express our solidarity with the people of Ukraine in their fight for freedom and democracy against Russian aggression.

They need us to stand with them as they stand strong for their country’s independence against Vladimir Putin’s effort to intimidate them, potentially to invade their country, but, assuredly, in a hybrid war consisting of misinformation, cyber attack, and military action that is designed very simply to destabilize, demoralize, and degrade their country’s governance.

And as we stood with them, meeting with the President, Mr. Zelensky, and the top leadership, I couldn’t help but think of this country and how grateful we should be for our strength, our freedom, our democracy.

All of us, when we return from travel abroad, I think, express our gratitude to be Americans, to live in a country where these freedoms and our independence are assured but where we, too, need to be strong and ever vigilant and vigorous in protecting those freedoms.

We are the greatest Nation in the history of the world, the strongest and most freedom-loving on the planet. We are still an imperfect nation, still

struggling to do better and a work in progress, but we are proud to confront our imperfection and move forward in a way that demonstrates that we can broaden access to opportunity and to the right of people to determine their own destiny.

No freedom or right is more important than the right to vote. That is why we are here today and why I am so proud to have helped to lead the John Lewis Voting Rights Advancement Act and to support the Freedom to Vote Act, which are designed to safeguard Americans’ right to vote and secure the sanctity of our elections.

And, today, just as Ukraine faces a threat to its independence and freedom, we too, in America, face a threat, not from Vladimir Putin directly, although he has sought to destabilize and degrade our democracy and continues to do so through cyber attacks and misinformation. Certainly, 2016’s interference in our elections is a warning bell, an alarm, that we need to be stronger against foreign interference.

But within, the threat is equally, if not more, alarming because what we are seeing across this great country in State after State are efforts to suppress the vote and restrict the franchise. Last year, more than 440 restriction bills were introduced in 49 States, and 19 of those States successfully enacted 34 laws that made it harder for people to vote. These laws make mail-in voting and early voting more difficult. They manipulate the boundaries of districts to reduce minority representation and have led to a purge of 3.1 million voters from the rolls in areas that were once covered by the Voting Rights Act preclearance requirement. We are seeing a tidal wave of voter suppression that continues even as we speak today on this floor.

The vote today comes in a week where we celebrate the legacy of Reverend Dr. Martin Luther King, Jr. For the first time in my memory, I was out of the country on that day. But it was ever present in my mind and heart, and it should animate us today, that memory and legacy which were so powerfully expressed on August 6, 1965, when President Lyndon Johnson signed the Voting Rights Act into law. He called it “a triumph for freedom as huge as any victory that has ever been won on any battlefield”—a triumph for freedom.

And it followed a mere 7 months after Dr. King launched a Southern Christian Leadership Conference campaign based in Selma, AL, with the aim of supporting voting rights legislation. It was a great day for America. It is one that has, rightly, received a paramount place in our history. It is taught to our children.

The Voting Rights Act represents the best of America, and its commitment to guaranteeing that members of every racial group would have equal voting opportunities stands as one of the best days in this country. But it was no layup for the civil rights movement. It